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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kenji Kuwabara and Tomiyoshi Aoki
SERIAL NO.: 10/781,293
FILING DATE: February 17, 2004
ATTNY. DOCKET: 44342.018003
TITLE: HETEROCYCLIC COMPOUNDS

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 C.F.R. 1.10

Date of Deposit: May 28, 2004

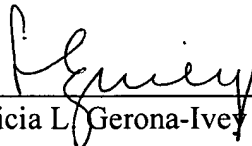
I hereby certify that the following attached paper(s) and/or fee

- (1) A copy of the Notice of Omitted Item(s) in a Non-Provisional Application;
- (2) Petition and Response to Notice of Omitted Item(s) in a Non-Provisional Application;
- (3) Copy of Missing Page 129 (Exhibit A);
- (4) Copy of returned Patent Office Postcard (Exhibit B);
- (5) Fee Transmittal authorizing deduction of \$130 from Deposit Account 50-561
- (6) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. Section 1.10 on the date indicated above and is addressed to the MAIL STOP MISSING PARTS; Commissioner for Patents, P. O. Box 1450; Alexandria, VA 22313-1450.

Respectfully submitted,

GREENBERG TRAURIG, LLP.



Leticia L. Gerona-Ivey

Dated: May 28, 2004

SEND CORRESPONDENCE TO:

Eugene C. Rzucidlo, Esq.
Customer No. 32361



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/781,293
Filing Date	February 17, 2004
First Named Inventor	K. Kuwabara, et al
Examiner Name	To Be Assigned
Art Unit	1614
Attorney Docket No.	44342.018003

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

501561

GREENBERG TRAURIG LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <u>Petition fee (37CFR 1.17(h))</u>					130

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

SUBMITTED BY

Name (Print/Type)

Eugene Rzucidlo

Registration No.
(Attorney/Agent)

31,900

(Complete if applicable)

Telephone 212-801-2100

Signature

Date 5/28/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kenji Kuwabara and
Tomiyoshi Aoki

Group Art Unit: 1614

SERIAL NO.: 10/781,293

Examiner: To Be Assigned

FILED: February 17, 2004

Attorney Docket No.: 44342.018003

TITLE: HETEROCYCLIC COMPOUNDS

**PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL
APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

S I R:

Applicant hereby requests that the above-identified patent application, U.S. Serial No. 10/781,293 be accorded its original filing date of February 17, 2004, pursuant to 37 C.F.R. 1.182.

On February 17, 2004, the instant divisional application was filed as a divisional of Non-Provisional Application 10/276,670 filed on November 18, 2002. The Divisional application contained 147 pages of specification, 3 pages of claims; 1 page abstract and 0 pages of drawings. A copy of the postcard submitted and stamped by the PTO is attached as Exhibit A. In the postcard it lists the contents that were submitted to the PTO on February 17, 2004. As can be seen from the postcard, the complete set of specifications, 147 pages of the specifications were submitted with the application. Pursuant to MPEP §503, the stamped postcard submitted with this Petition “serves as a *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.”

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06/04/2004 SZEWDIEI 00000003 501561 10781293

01 FC:1460 130.00 DA

Attorney Docket No.: 44342.018003
U.S. Serial No.: 10/781,293
Page 2

Accordingly, applicant respectfully requests that the above identified application be accorded the original filing date of February 17, 2004.

Pursuant to 37 C.F.R. 1.182, the petition is accompanied by: (1) the missing specification page 129 for submission in support of application serial number 10/781,293 and (2) the petition fee under 1.17(h) and (3) a copy of PTO Stamped Postcard submitted as Exhibit A.

Please charge the \$130 petition fee pursuant to 37 CFR 1.17(h) to Deposit Account No. 501561, in the name of Greenberg Traurig LLP.

The undersigned respectfully requests prompt attention to this matter.

Respectfully submitted,



Eugene C. Rzucidlo
Reg. No. 31,900

Date: May 28, 2004
Greenberg Traurig, LLP
Attorneys for Applicant
885 Third Avenue - 21st Floor
New York, NY 10022-
Phone: (212) 801-2100
Facsimile: (212) 688-2449



06-01-04

IWF
\$

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/781,293	02/17/2004	Kenji Kuwabara	44342.018003

CONFIRMATION NO. 3341

FORMALITIES LETTER



OC000000012674444

32361
GREENBERG TRAURIG, LLP
885 3RD AVENUE
NEW YORK, NY 10022

Date Mailed: 05/14/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 129 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

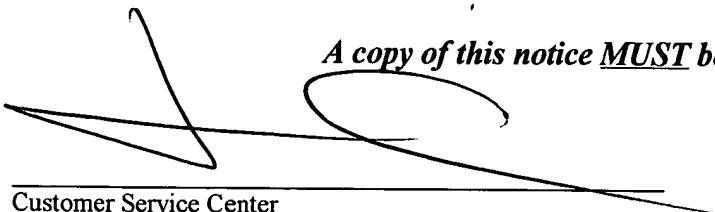
III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE



carbonyldiimidazole was added and stirred for 24 hours at room temperature. The reaction solution was concentrated and 3 ml of methanol was added to dissolve the residue, and a solution of 190 mg of hydroxyl ammonium chloride/6 ml of methanol and 336 mg of triethylamine were added dropwise, and stirred for 4 hours at room temperature. The reaction solution was poured into ice-cold water, extracted with ethyl acetate, washed with saturated sodium hydrogen carbonate solution and brine, dried over anhydrous magnesium sulfate and concentrated. The residue was purified by silica gel column chromatography (Wakogel® C-200, chloroform: methanol=100:1) to provide 53.8 mg of the objective compound as white crystals. M.p. 115-116°C.

Elemental analysis for $C_{20}H_{26}N_2O_5 \cdot 1/4H_2O$
15 Calcd. (%): C, 63.39; H, 7.05; N, 7.39
Found (%): C, 63.35; H, 6.85; N, 7.37.

The compounds of Examples 61-77 were prepared by the same procedure as described in Example 11.

20 Example 61

2-Methyl-c-5-{4-[5-methyl-2-(4-chlorophenyl)oxazol-4-yl]butyl}-1,3-dioxane-r-2-carboxylic acid

M.p. 145-146°C.

Elemental analysis for $C_{20}H_{24}ClNO_5$

25 Calcd. (%): C, 60.99; H, 6.14; N, 3.56
Found (%): C, 60.75; H, 6.25; N, 3.36.

Example 62

2-Methyl-c-5-{5-[5-methyl-2-(p-tolyl)oxazol-4-yl]pentyl}-1,3-dioxane-r-2-carboxylic acid
30



Applicant(s): K. Kuwabara, et al
Application: TBA
Filed: Div. 3 of 10/27/6670
Title: HETEROCYCLIC COMPOUNDS
Date Mailed: 2/17/04
Attorney: BIS/rsf
Docket No. 44342/018803

Receipt is hereby acknowledged by return of this postal card properly stamped by the USPTO for the

above noted matter of the following:

- (1) Utility Patent Application Transmittal
- (2) Fee Calculation sheet Authorization to Deduct the amount of \$770.00 from the deposit
- (3) Patent Application (147 pgs of specs; 3 pgs Claims; 1 abstract; 0 pgs drawings Total 151 pgs)
- (4) Combined Oath/Declaration; Power of Attorney from parent appln.
- (5) Express Mail Certificate
- (7) A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

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